

U.S. Ser. No. 09/734,836
Amendment Under 37 C.F.R. §1.116
August 31, 2004

REMARKS

Applicants thank the Examiner for allowing an interview at this time. Applicants very much appreciate having the opportunity to discuss the sole remaining rejection.

The independent claims are amended above to further define a vector of interest. Support for the amendments can be found, for example, at lines 4-6 of page 11 of the instant specification. Thus, no new matter is introduced by the above amendments and entry thereof is requested respectfully.

The remaining rejection in the instant application is of all of the pending claims, 73 and 80-106, under 35 U.S.C. § 103 over U.S. Patent No. 5,380,830 ("the '830 patent") in view of WO 99/15641 ("the PCT") and U.S. Patent No. 5,554,524 to Temin.

The amended claims now recite the optional presence of three genes of BIV not present in FIV. The PCT neither teaches nor suggests the need of vpw, vpy or tat in a vector. As noted at page 17, lines 10-17 of the PCT,

"...Prior to the present invention there was no way of knowing... whether the regulatory, processing and packaging components of such vectors would be active in human cells. There was no information on desirable arrangements or particular constructs especially useful in the vectors and packaging cells of the invention, e.g., the arrangement and construction of FIV based vectors and packaging systems described herein."

The PCT cannot teach or suggest the relevance of accessory genes not taught therein in a vector. None of the cited references cures that deficiency.

In view thereof and for the reasons of record, a prima facie case of obviousness

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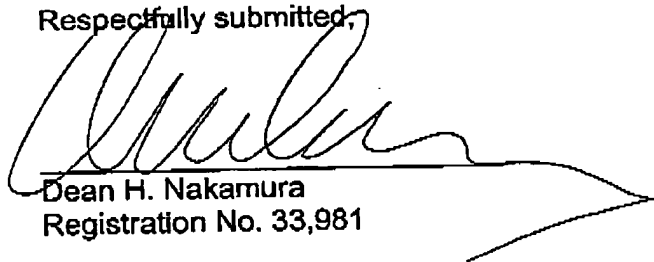
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has not been made and withdrawal of the rejection is requested respectfully.

Reexamination, reconsideration, withdrawal of the rejection and early indication of allowance are solicited earnestly. If any issues remain, the Examiner is urged to contact the undersigned at the local exchange noted hereinbelow. If any additional fees are required, the Commission is authorized to charge Deposit Account No. 07-1896.

Respectfully submitted,



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